

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 01-455-A
)	
ZACARIAS MOUSSAOUI)	
a/k/a "Shaqil,")	
a/k/a "Abu Khalid)	
al Sahrawi,")	
)	
Defendant.)	

ORDER

The defendant, pro se, has filed an Emergency Motion for Immediate Release from Detention and the Dropping of All Charges Against Zacarias Moussaoui in which he also requests an immediate hearing. The defendant seeks immediate release from custody so that he can expose what he believes the Federal Bureau of Investigation ("FBI") knew about September 11, 2001. He also asks the Court to suppress an INS Order of Deportation and a recorded telephone conversation between Al Attas and an Imam which occurred at the Sherburne County Jail.

To the extent that the defendant seeks temporary release on bond pursuant to 18 U.S.C. § 3142(i), his reasons are not entirely clear. We note that the defendant had a pre-trial detention hearing and was ordered detained by the United States District Court for the Southern District of New York on December 13, 2001. That decision was reconsidered and reaffirmed by magistrate judge Thomas Rawles Jones in this court on December

19, 2001. Although the defendant alleges that proof of an undercover FBI surveillance operation is contained in his personal belongings which were confiscated by the FBI at the time of his August, 2001 arrest, he does not explain why he needs to be released to obtain this evidence;¹ nor does he explain the relevance of this evidence to his defense or his motion for immediate release from custody. Moreover, under the Bail Reform Act of 1984, there is a rebuttable presumption that for persons charged with specific crimes of violence, such as the crimes alleged in this prosecution, "no condition or combination of conditions of release will reasonably assure the appearance of the person as required and the safety of the community." 18 U.S.C. §§ 3142(e)&(f)(1). For all these reasons, we find that Mr. Moussaoui has not articulated any compelling reasons either overcoming the presumption in favor of pre-trial detention or justifying temporary release.

To the extent that the defendant seeks to suppress a recorded telephone conversation between an Imam and a third party, the defendant does not have standing to make such a motion.² See United States v. Padilla, 508 U.S. 77, 81-82

¹The defendant can use his stand-by counsel to help pursue evidence for his defense.

²Motions to suppress should be made in a separately-captioned motion, and must identify the specific evidence at issue and explain the grounds upon which suppression is sought. The defendant should consult with his stand-by counsel who is

(1993); Alderman v. United States, 394 U.S. 165 (1969)(holding that a defendant may only move to suppress evidence obtained in violation of his Fourth Amendment rights); United States v. Taylor, 857 F.2d 210, 214 (4th Cir. 1988) ("Fourth Amendment rights are...personal rights"). As for the INS order, the defendant has failed to articulate any proper ground for its suppression. Therefore there is no basis upon which to grant the requested relief.

For all of the foregoing reasons, the defendant's Emergency Motion for Immediate Release from Detention and the Dropping of All Charges is DENIED in all respects.

The Clerk is directed to forward copies of this Order to the defendant, pro se; counsel for the United States; stand-by defense counsel; the Court Security Officer; and the United States Marshal.

Entered this 18th day of June, 2002

/s/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia

familiar with the law governing such motions.